



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 29

Application Number: 08/828,560
Filing Date: March 31, 1997
Appellant(s): EGNOR, JOHN M.

MAILED

JUL 17 2003

GROUP 3600

Timothy W. Chell
For Appellant

EXAMINER'S ANSWER

This is in response to the brief on appeal filed 7/17/2002.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is substantially correct. The changes are as follows: Claim 12 is rejected under 35 USC 112, 2nd paragraph.

(7) *Grouping of Claims*

The appellant's statement in the brief that certain claims do not stand or fall together is not agreed with because appellant has failed to provide any reasons why the claims do not stand or fall together.

(8) *Claims Appealed*

A substantially correct copy of appealed claims 1-12 appears on page 5 in the appendix of the Appendix to the appellant's brief. The minor errors are as follows: the letter "t" in claim 12, line, 2 is a typographical error.

(9) Prior Art of Record

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

| | | |
|-----------|--------------|-----------|
| 2,870,872 | Rapp | 1/27/1959 |
| 2,441,627 | Gregg | 5/18/1948 |
| 2,007,514 | Wilson et al | 7/9/1935 |

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 2, 6/1, 6/2, 7, 10, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gregg in view of Rapp.

Gregg shows a wheel chock having front and rear ramps, a flat bottom, securing means 4 and side wall 7.

The claimed invention differs only in the inclusion of a second side wall.

Rapp shows a wheel chock having front and rear ramps, securing means 23 and two side walls 14.

It would have been obvious to one of ordinary skill in the art to have included a second slot wall on the wheel chock of Gregg in view of the teaching of Rapp so as to lock the wheel on both sides.

Re-claim 2, note flat extending surface 4 on Gregg.

Re-claims 6/1, 6/2, 7, the walls of Rapp project from the upper surface to the same degree as that shown by applicants.

Re-claims 10-11, the inclusion of holes in the flat extending surface of Gregg would have been obvious to one of ordinary skill in the art as a common type of fastening means and a substitute of known equivalent fasteners.

Re-claim 12, note Figure I of Rapp.

Claims 3, 4, 6/3, 6/4, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gregg as modified by Rapp as applied to claims 1-2 above, and further in view of Wilson et al.

The claimed invention differs from Gregg, as modified by Rapp, only in angles of the ramps.

Wilson et al. show the rear ramp having a greater slope than the front.

It would have been obvious to one of ordinary skill in the art to have formed the ramp portions at different angles so as to easily roll the vehicle into the chock as taught by Wilson et al.

Re-claims 8-9, Wilson et al. also show rails as the wheel support elements.

(11) Response to Argument

Appellants arguments appear on pages 2-3 of the brief and may be summarized as follows:

- 1.) Claim 12 is not anticipated by Rapp.
- 2.) Appellants have submitted an Affidavit attesting to commercial success.

As to the first argument, an anticipation argument has not been made in the last office action.

As to the second argument, the Affidavit by Louis Endsley relates only to conclusions. Appellants have provided no evidence of commercial success or long-felt need. For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Graham *hcb*
July 14, 2003

Conferees

QST

TIMOTHY W. CHELL
28 COOPER STREET
WOODBURY, NJ 08096

M. C. Graham
7/16/2003
MATTHEW C. GRAHAM
PRIMARY EXAMINER
GROUP 310